

UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF WISCONSIN

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CHOCOLATE SHOPPE ICE CREAM COMPANY, INC.,

Plaintiff,

v.

Case No.: 16-cv-649

CEDAR-CREST SPECIALTIES, INC.,

Defendant.

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**STIPULATION**

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IT IS HEREBY STIPULATED AND AGREED that Plaintiff is voluntarily dismissing its Third Claim for Relief for violations of State Law Unfair Methods of Competition and Unfair Trade Practices under Wis. Stat §100.20. Accordingly Plaintiff's First Amended Complaint [ECF No. 11] is further amended with the consent of Defendant, pursuant to Rule 15(a)(2) of the Federal Rules of Civil Procedure, with the Third Claim for Relief (including its related paragraphs 36-41) hereby being deemed withdrawn.

IT IS FURTHER HEREBY STIPULATED AND AGREED that those portions of Plaintiff's Prayer for Relief in the First Amended Complaint [ECF No. 11] which relate to Plaintiff's now-withdrawn Third Claim for Relief, more specifically Paragraphs H and L, are withdrawn in their entireties. Paragraph P of the Prayer for Relief is also amended, but only in part to withdraw the reference to Wis. Stat. §100.20 as a basis for an award of actual costs. Paragraph P of the Prayer for Relief otherwise remains in full force and effect with respect to Plaintiff's request for actual costs and reasonable attorneys' fees pursuant to 15 U.S.C. §1117(a). With this stipulation, Paragraph H, Paragraph L, and the reference to "Wis. Stat. §100.20" in Paragraph P of the Prayer for Relief are deemed withdrawn.

Defendant has already filed an Answer [ECF No. 16] which includes responses to each of the remaining paragraphs of Plaintiff's First Amended Complaint and those responses by Defendant are not affected in any way by this stipulation.

Dated January 6, 2017

Stipulated to:

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